

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Peter Neumann
Appl. No.: 10/511,457
Conf. No.: 9884
Filed: October 15, 2004
Title: DISASTER AND EMERGENCY MODE FOR MOBILE RADIO PHONES
Art Unit: 2617
Examiner: Kiet M. Doan
Docket No.: 3717483-00064

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT BRIEF

Sir:

Appellants submit this Response in support of the Notice of Appeal filed on December 1, 2009 and the Appeal Brief filed on January 28, 2010. This Appeal is taken from the Final Rejection in the Office Action dated September 1, 2009.

Please replace the Summary of Claimed Subject Matter submitted in the Appeal Brief filed on January 28, 2010 with the following substitute Summary of Claimed Subject Matter.

V. SUMMARY OF CLAIMED SUBJECT MATTER (SUBSTITUTE)

A summary of the claimed subject matter by way of reference to the specification and/or figures for each of the independent claims is provided as follows:

Independent Claim 9 is directed to a method for controlling establishment of connections to mobile stations (Page 4, lines 24-28; FIG. 1 elements 5 and 6) present in an area (Page 4, lines 24-30; FIG. 1 element 7), the method comprising: transmitting a sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 4) in a message sent to the mobile stations (Page 4, lines 24-28; FIG. 1 elements 5 and 6) in at least one cell of a mobile radio network present in the area (Page 4, lines 24-30; FIG. 1 element 7); and providing that a connection only be established from a mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) in the area (Page 4, lines 24-30; FIG. 1 element 7) to a destination called by the mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) if the mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) requesting the connection establishment communicates the sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 4).

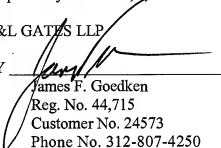
Independent Claim 16 is directed to a switching device (Page 4, lines 24-25; page 5, lines 7-15; FIG. 1 element 2) for controlling establishment of a connection to mobile stations (Page 4, lines 24-28; FIG. 1 elements 5 and 6) present in an area (Page 4, lines 24-30; FIG. 1 element 7), comprising: a transmitting apparatus for transmitting a sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 4) in a message sent to the mobile stations (Page 4, lines 24-28; FIG. 1 elements 5 and 6) in at least one cell of a mobile radio network present in the area (Page 4, lines 24-30; FIG. 1 element 7); and a receiving apparatus sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 9) for receiving the sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 4) with a request for establishment of a connection to a destination from a mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) in the area (Page 4, lines 24-30; FIG. 1 element 7), wherein the connection requested from the mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) will be established to the destination, only if the mobile station (Page 4, lines 24-28; FIG. 1 elements 5 and 6) can specify the sequence (Page 5, line 4; page 5 line 19 – page 6 line 2; FIG. 1 element 4) and the destination is a destination provided for call establishment.

Although citations are given in accordance with 37 C.F.R. §1.192(c), these reference numerals and citations are merely examples of support in the specification for the terms used in this section of the Brief. There is no intention to suggest in any way that the terms of the claims are limited to the examples in the specification. As demonstrated by the references numerals and citations, the claims are fully supported by the specification as required by law. However, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology in accordance with Rule 1.192(c) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the references numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

Respectfully submitted,

K&L GATES LLP

BY



James F. Goedken
Reg. No. 44,715
Customer No. 24573
Phone No. 312-807-4250

Dated: March 17, 2010